

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) FANSTEEL METALS, INC.,)	
F/K/A FMRI, INC.)	
)	
vs.)	Civil Action No. 6:22-cv-00366-JFH-
Plaintiff,)	GLJ
)	
(1) CITIGROUP, INC.; and)	
(2) UNION CARBIDE CORPORATION)	
)	
Defendants.)	

**DEFENDANT UNION CARBIDE CORPORATION'S FIFTH UNOPPOSED MOTION
FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE
RESPOND TO COMPLAINT [Dkt. 2]**

COMES NOW Defendant Union Carbide Corporation (“Union Carbide”), by and through its counsel of record, and, while reserving all defenses as stated in all previous status reports, extension requests, and the Sixth Joint Status Report [Dkt. 53], respectfully requests an extension to August 31, 2024, of its time to answer or file other responsive pleading to Plaintiff’s Complaint in this case.

1. The reasons for this request are stated in more detail in the Sixth Joint Status Report of the Parties filed on June 20, 2024, incorporated herein by reference. [Dkt. 53.]
2. The current deadline for Union Carbide to Answer or otherwise respond to Plaintiff’s Complaint is July 1, 2024. [Dkt. 52.]
3. Since the filing of the Fifth Joint Status Report, on March 20, 2024 [Dkt. 48], there has been progress regarding the Fansteel Site, which is at issue in this CERCLA action. As the Sixth Joint Status Report more fully describes, EPA and DOJ Enforcement continue to determine which Defendants will be classified as *de minimis* and non-*de minimis* for purposes of *de minimis* settlement offers issued by EPA to *de minimis* Defendants, and Plaintiff has

provided to the Defendants in this case a settlement agreement form dealing with past response costs.

4. However, the Parties believe that it will be beneficial to continue informal document sharing while awaiting final information from the U.S. EPA's third-party contractor. Due to timing of the issues noted in the Sixth Joint Status Report; evaluation of the newly presented, revised settlement agreement form; because the Parties continue to await the final report of U.S. EPA's third-party contractor, Toeroek Associates, Inc. ("Toeroek"), are not yet in receipt of Toeroek's final calculations or its determination of the percentage of total alleged RWM volume at the Fansteel Site attributable to specific Defendants; and because this information is necessary before proceeding with pleadings and discovery, this Defendant and the Parties believe that the requested extension of time to answer or file a responsive pleading will save judicial resources, streamline this case, and may facilitate settlement discussions between the Parties. *See* Dkt. 53, p. 5-6. Thus, Union Carbide submits that there is good cause for the requested extension of time stated in the Sixth Joint Status Report (June 20, 2024) for its new deadline to answer or to otherwise respond to Plaintiff's Complaint.

5. Union Carbide previously filed an unopposed motion for an extension of time on May 31, 2023 [Dkt. 32], for reasons set out in that motion and more fully in the Second Joint Status Report filed May 22, 2023 [Dkt. 31], which the Court granted in its Minute Order of May 31, 2023, making Union Carbide's deadline to answer or otherwise respond September 1, 2023. [Dkt. 33.]

6. Union Carbide filed a second unopposed motion for extension of time to answer or otherwise respond on or about August 22, 2023 [Dkt. 38], for the reasons stated therein and the Third Joint Status Report filed on August 21, 2023 [Dkt. 37], which was granted on August 22,

2023, making Union Carbide's deadline to answer or otherwise respond December 1, 2023. [Dkt. 39.]

7. Union Carbide filed a third unopposed motion for extension of time to answer or otherwise respond on or about November 28, 2023 [Dkt. 44], which was granted on November 28, 2023, making Union Carbide's deadline to answer or otherwise respond April 1, 2024. [Dkt. 45.]

8. Union Carbide filed a fourth unopposed motion for extension of time to answer or otherwise respond on or about March 22, 2024 [Dkt. 49], which was granted on March 25, 2024, making Union Carbide's deadline to answer or otherwise respond July 1, 2024. [Dkt. 50]. This requested new deadline of August 31, 2024, matches the recently extended response deadline in the Companion Case referenced in the Sixth Joint Status Report [Dkt. 53].

9. There is currently no scheduling order in this case, and no trial has been set, and the requested extension will not have any effect on any other deadlines.

10. Counsel for Plaintiff and counsel for Defendant Citigroup Inc. have indicated that each consent to and have no objection to Union Carbide's requested extension of time to answer or otherwise respond to the Complaint.

11. A proposed Order will be submitted pursuant to the Local Rules.

WHEREFORE, PREMISES CONSIDERED, Defendant Union Carbide Corporation respectfully requests that the Court grant Union Carbide Corporation an extension until August 31, 2024, to file its Answer or other responsive pleading.

Respectfully submitted,

/s/ Ethan M. Sneed

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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